

REMARKS

Reconsideration of the above-identified patent application in view of the amendment above and the remarks below is respectfully requested.

No claims have been canceled or added in this paper. Claims 41 and 44 have been amended in this paper. Therefore, claims 19, 21-22, 24, 32, 37, 41 and 44-47 are pending and are under active consideration.

Claims 19, 21-22, 24, 32, 37 and 47 have been allowed.

Claims 41 and 44-46 stand rejected under 35 U.S.C. 103(a) “as being unpatentable over Cooper (6,173,836) in view of the admitted prior art of record in the instant specification as shown in figures 1-6 embodiments.” In support of the rejection, the Patent Office states the following:

Cooper discloses a length of continuously connected fastener stock comprising: a first and second side members (107 & 109) wherein said first and second side members are generally circularly shaped with a pair of flattened surfaces in transverse cross-section (see figures 6c & 6b); and a plurality of cross-links (105) interconnecting said first and second side members; wherein said first side member is shaped to extend transversely beyond said cross-links with an arcuate surface, and each of said plurality of cross-links asymmetrically bisecting said first and second side members. Cooper does not appear to disclose the cross-links having a flat surface and an arcuate surface. As admitted by applicant cross-links that have both a flat surface and an arcuate surface are well known in the art. (Figures 1-6 embodiment of the instant application). Therefore, with respect to the shape of the cross-links it would have been an obvious matter of design choice to modify the shape of the cross-links in view of the teaching of the admitted prior art of record in the instant specification and since such a modification would have involved a mere change in shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Contrary to applicant's argument figures 6(a) thru 6(c) clearly discloses the cross-links asymmetrically bisecting the first and second side members.

Later in the Office Action, the Patent Office states the following:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the ends are not arranged end-to-end or as part of a uniform structure) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicants respectfully traverse the subject rejection. In response to the Patent Office's statement that "the features upon which applicant relies (i.e., the ends are not arranged end-to-end or as part of a uniform structure) are not recited in the rejected claim(s)" Applicants have herein amended claims 41 and 44 (claims 45 and 46 depending from claim 44) so that each of claims 41 and 44 recites that the first side member is shaped to include a plurality of cross-bars interconnected in an end-to-end fashion. This feature is neither taught nor suggested by Cooper, whose ends 109 are not arranged **end-to-end**, but rather, are arranged in a **spaced, side-by-side, parallel orientation**.

Lastly, Applicants respectfully disagree with the Patent Office's assertion that Figs. 6(a) through 6(c) of Cooper clearly disclose cross-links asymmetrically bisecting the first and second side members. Figs. 6(a) through 6(c) are perspective views, and Applicants respectfully submit that, from these perspective angles, it cannot be said that the cross-links clearly asymmetrically bisect the first side member.

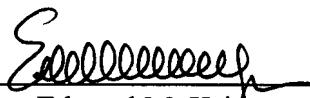
Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

In conclusion, it is respectfully submitted that the present application is now in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

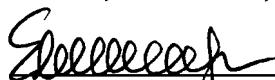
Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 28, 2007.


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